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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,689	02/13/2004	Whitney Fletcher		5699

7590

06/08/2006

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,689

Applicant(s)

FLETCHER ET AL.

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 16-25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Frye.

Adams discloses system for using a baseball ball with a camera during a baseball game (Adams: figure 5), comprising: a baseball having an outside surface and a viewport in a portion of said outside surface (Adams: column 5, lines 15-20); a camera within said viewport pointed toward the field of play (Adams: column 5, lines 40-50); and a transmitter connected to said camera and secured to said baseball at a location other than said viewport (Adams: column 5, lines 60-66), as in claims 1 and 14. However, Adams fails to disclose that the camera is mounted within the body of the of a baseball base pad, as in the claims. Frye discloses that it is known to place imaging devices within home plate of baseball (Frye: column 7, lines 55-67; column 8, lines 1-60) in order to closely image pitching at the plate (Frye: column 4, lines 10-45).

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Accordingly, given Frye's teaching of mounting sensors within a baseball base such as home plate, it would have been obvious for one of ordinary skill in the art to incorporate the Adams baseball camera into the body of a baseball bag in order to image close plays at all the bases with home plate incorporation directed towards imaging balls/strikes and plays at the plate, first base and third base incorporation directed towards tag plays and foul ball determination, and second base incorporation directed towards steal throw outs. The Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has all of the features of claims 1 and 14.

Regarding claim 2, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has viewport is at least partially filled with a vibration absorbing substance (Adams: column 5, lines 20-25), as in the claim.

Regarding claims 3 and 15, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has that baseball base includes a shell and a pad inside said shell (Adams: column 5, lines 20-25), as in the claims.

Regarding claim 4, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has wherein said viewport is in said shell (Adams: column 5, lines 30-35), as in the claim.

Regarding claim 5, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has an antenna connected to said transmitter (Adams: column 5, lines 60-65), as in the claim.

Regarding claim 6, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has a baseball base having an outside surface and a

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viewport along a portion of said outside surface (Adams: column 5, lines 30-35); and a camera in said viewport a transmitter connected to said camera (Adams: column 5, lines 50-55), as in the claim.

Regarding claim 7, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has a wire connecting said transmitter to said camera (Adams: column 5, lines 60-65), as in the claim.

Regarding claim 8, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has said viewport is at least partially filled with a non-noisemaking, vibration absorbing substance (Adams: column 5, lines 35-40), as in the claim.

Adams discloses a system for using a baseball ball with a camera during a baseball game on a playing field (Adams: figure 5), comprising: a baseball ball having a visible outside surface and a bottom (Adams: column 5, lines 15-20); a camera secured to said ball such that said camera does not protrude from said visible outside surface (Adams: column 5, lines 40-50); a transmitter inside said ball, said transmitter connected to said camera (Adams: column 5, lines 60-66), as in claim 9. However, Adams fails to disclose that the camera is mounted within the body of the of a baseball base pad, as in the claims. Frye discloses that it is known to place imaging devices within home plate of baseball (Frye: column 7, lines 55-67; column 8, lines 1-60) in order to closely image pitching at the plate (Frye: column 4, lines 10-45). Accordingly, given Frye's teaching of mounting sensors within a baseball base such as home plate, it would have been obvious for one of ordinary skill in the art to incorporate the Adams baseball camera into the body of a baseball bag in order to image close plays at all the bases with home plate incorporation directed towards imaging balls/strikes and plays at the plate, first base and third

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base incorporation directed towards tag plays and foul ball determination, and second base incorporation directed towards steal throw outs. The Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has all of the features of claim 9.

Regarding claim 10, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has an antenna, said antenna connected to said transmitter (Adams: column 5, lines 60-65), as in the claim.

Regarding claim 11, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has a conductor connecting said transmitter to said camera (Adams: column 5, lines 39-42), as in the claim.

Regarding claims 12-13, the Adams system, now incorporating Frye's teaching of sensor mounting within a baseball home plate, has said base including a viewport along a portion of said visible outside surface (Adams: column 5, lines 15-20), said camera is secured within said viewport (Adams: column 5, lines 30-35); and said viewport is at least partially filled with a vibration absorbing substance (Adams: column 5, lines 35-40), as in the claims.

Allowable Subject Matter

4. Claims 16-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim 1.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ryan discloses a baseball practice bat. Anderson discloses a baseball pitch speed

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measurement and strike zone detection devices. Bracewell discloses a strike zone indicator measurement device. Wexler discloses an automatic line officiating system and method thereof. Honey discloses system for displaying an object that is not visible to a camera. Foster discloses a completely integrated baseball cap camera. Daniels discloses a baseball umpiring system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
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ANDY RAO
PRIMARY EXAMINER



asr
June 7, 2006